

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

ENERGY WEST, INC.,)	CASE NO.: 1:09 CV 00591
)	
Plaintiff,)	
)	JUDGE CHRISTOPHER A. BOYKO
v.)	
)	<u>DEFENDANT'S UNOPPOSED MOTION</u>
UNITED STATES POWER FUND, L.P.,)	<u>TO EXTEND MEDIATION DEADLINE</u>
)	<u>AND STAY OF DISCOVERY</u>
Defendants.)	

Defendant United States Power Fund, L.P. ("Defendant") respectfully requests that the Court extend the deadline to complete mediation and the attendant stay of discovery by 30 days.

On July 15, 2009, this Court entered an order granting the Parties' Joint Motion for Referral to Mediation. The Order required mediation to be completed by September 15, 2010. On July 26, 2010, the Parties received a Notice of Designation of Mediator designating Ronald H. Isroff as the mediator in this matter. On August 2, 2010, Mr. Isroff's office contacted the Parties with available dates for a mediation prior to September 15, 2010. Due to multiple scheduling conflicts, including an arbitration, counsel for Defendant is unavailable on any of the suggested dates.

Defendant's counsel therefore respectfully requests that this Court extend the date to complete mediation and the attendant stay of discovery for 30 days. Plaintiff's counsel does not oppose a 30-day extension. Further, the mediator, Mr. Isroff, does not oppose a 30-day extension. Given the circumstances present, Defendant respectfully requests that this Court extend the mediation completion date and discovery stay to October 15, 2010.

A proposed order is attached for the Court's convenience.

Respectfully submitted,

/s Heather M. Lutz

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*Attorneys for Defendant
United States Power Fund, L.P.*

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was sent via the Court's electronic filing system to all parties of record with the Court on the date of filing. Notice of this filing will be served to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Heather M. Lutz
*One of the Attorneys for Defendant
United States Power Fund, L.P.*

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)	JUDGE CHRISTOPHER A. BOYKO
v.)	
)	<u>ORDER</u>
UNITED STATES POWER FUND, L.P.,)	
)	
Defendants,)	

Pursuant to Defendant United States Power Fund, L.P.'s Unopposed Motion to Extend Mediation Deadline and Stay of Discovery, and for good cause shown, the Court GRANTS Defendant's Motion. The mediation in this case must be completed by October 15, 2010. Discovery is stayed until the conclusion of the mediation.

IT IS SO ORDERED.

Date

Judge Christopher A. Boyko